

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

JAMES SWANN, )  
                    )  
                    ) Case No. 1:20-cv-264  
*Plaintiff,*     )  
                    )  
                    ) Judge Travis R. McDonough  
v.                )  
                    )  
                    ) Magistrate Judge Christopher H. Steger  
PENSKE and J. TAYLOR, )  
                    )  
                    )  
*Defendants.*    )  
                    )

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**MEMORANDUM AND ORDER**

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On June 28, 2021, United States Magistrate Judge Christopher H. Steger filed his report and recommendation (Doc. 10) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Steger recommended that the complaint be dismissed under 28 U.S.C. § 1915(e)(2) for failure to state a claim. (Doc. 10, at 1.) Plaintiff did not file a timely objection to Magistrate Judge Steger's report and recommendation.<sup>1</sup> After independently reviewing Plaintiff's complaint and the report and recommendation, the Court agrees with Magistrate Judge Steger's well-reasoned conclusions and his stated reasons for recommending dismissal of Plaintiff's claims without prejudice.

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<sup>1</sup> Magistrate Judge Steger specifically advised Plaintiff that he had fourteen days within which to object to the report and recommendation and that failure to do so would waive his right to appeal. (Doc. 10, at 3 n.1); *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file any objections has now expired.

Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** the report and recommendation  
(Doc. 10) pursuant to 28 U.S.C. § 636(b)(1) and **DISMISSES** this action **WITHOUT**  
**PREJUDICE.**

**AN APPROPRIATE JUDGMENT WILL ENTER.**

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**